IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 14609 of 2004

Between:

D. Mallesh Driver, E.302338, S/o. Komaraiah
R/o. Narsapur Village, Lachannayellapa post, Kadam (M), Adilabad District.

..... PETITIONER

AND

1 The Divisional Manager, APSRTC, Adilabad Division, Adilabad District.
2 The Depot Manager, APSRTC, Adilabad Bus Depot, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings No.01/243(1)/97-DM:NRML., Dt. 18.11.1998 as illegal, arbitrary and unjust and consequently set aside the proceedings No.01/243(1)/97-DM: NRML., Dt. 18.11.1998 issued by the 2nd respondent .

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.G.JYOTHI KIRAN

The Court at the admission stage made the following:

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ORDER:

The petitioner is working as a driver in the respondent Corportion and he was imposed a penalty of stoppage of two increments with cumulative effect, on certain charges, through the Order dated 18.11.1998, passed by the 2nd respondent. The petitioner preferred an appeal on 02.01.1999 before the appellate authority i.e. the 1st respondent, challenging the order of the 2nd respondent. But, subsequently, the petitioner was informed that the memorandum of appeal, preferred by him, was misplaced, therefore, he was asked to submit another memorandum of appeal, and the petitioner submitted the same on 02.01.2002.

2. The grievance of the petitioner is that the 1st respondent did not pass any orders on the said appeal till now. Therefore, he approached this Court, seeking a direction to the 1st respondent to pass appropriate orders on the appeal, though he mentioned in the writ petition that the order of the 2nd respondent has to be quashed.

3. In the light of the circumstances, explained by the petitioner, the writ petition before this Court, during the pendency of the appeal before the 1st respondent, cannot be maintained. The 1st respondent is, therefore, directed to pass appropriate orders on the appeal of the petitioner dated 02.01.2002 as per the Rules, within a period of two months from the date of receipt of a copy of this order.

4. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr/svs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Divisional Manager, APSRTC,

Adilabad Division, Adilabad District

2. The Depot Manager, APSRTC,

Adilabad Bus Depot, Adilabad District

3. Two CD copies.